

# SENATE JOURNAL

## OF THE

# IDAHO LEGISLATURE

FIRST REGULAR SESSION  
SIXTIETH LEGISLATURE

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**FIFTY-THIRD LEGISLATIVE DAY**  
**THURSDAY, MARCH 5, 2009**

Senate Chamber

President Little called the Senate to order at 10 a.m.

Roll call showed all members present except Senators Bair, Bilyeu, Brackett, Broadsword, Cameron, Coiner, Corder, Hammond, Keough, LeFavour, Lodge, Mortimer, Pearce, Siddoway, and Stegner, absent and excused.

Prayer was offered by Senator Winder.

The Pledge of Allegiance was led by Darcie Wonacott, Page.

The Senate advanced to the Third Order of Business.

### Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of March 4, 2009, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

Senators Bilyeu and Mortimer were recorded present at this order of business.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

### Reports of Standing Committees

Senators Bair, Broadsword, Hammond, Siddoway, and Stegner were recorded present at this order of business.

March 4, 2009

The STATE AFFAIRS Committee reports out [S 1123](#) with the recommendation that it do pass.

MCKENZIE, Chairman

[S 1123](#) was filed for second reading.

March 4, 2009

The RESOURCES AND ENVIRONMENT Committee reports out [H 137](#) with the recommendation that it do pass.

SCHROEDER, Chairman

[H 137](#) was filed for second reading.

Senators Brackett and Coiner were recorded present at this order of business.

March 4, 2009

The JUDICIARY AND RULES Committee reports out [H 59](#) and [H 60](#) with the recommendation that they do pass.

DARRINGTON, Chairman

[H 59](#) and [H 60](#) were filed for second reading.

March 4, 2009

The JUDICIARY AND RULES Committee reports out [H 70](#) with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

DARRINGTON, Chairman

There being no objection, [H 70](#) was referred to the Fourteenth Order of Business, General Calendar.

March 4, 2009

The HEALTH AND WELFARE Committee reports out [S 1112](#) with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

LODGE, Chairman

There being no objection, [S 1112](#) was referred to the Fourteenth Order of Business, General Calendar.

March 4, 2009

The LOCAL GOVERNMENT AND TAXATION Committee reports out [S 1128](#) with the recommendation that it do pass.

HILL, Chairman

[S 1128](#) was filed for second reading.

Senator LeFavour was recorded present at this order of business.

March 5, 2009

The AGRICULTURAL AFFAIRS Committee reports out [H 99](#) and [H 100](#) with the recommendation that they do pass.

CORDER, Chairman

[H 99](#) and [H 100](#) were filed for second reading.

March 4, 2009

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

### Messages from the Governor

March 4, 2009

The Honorable Brad Little  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Larry A. Crowley of Boise, Idaho, was appointed as a member of the Idaho Energy Resources Authority to serve a term commencing June 30, 2008, and expiring June 30, 2013.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*  
/s/ C.L. "Butch" Otter  
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the State Affairs Committee.

March 4, 2009

The Honorable Brad Little  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Louise D. Stark of Challis, Idaho, was appointed as a member of the Outfitters and Guides Licensing Board to serve a term commencing April 20, 2009, and expiring April 20, 2012.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*  
/s/ C.L. "Butch" Otter  
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the Resources and Environment Committee.

The Honorable Brad Little  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Thomas P. Baskin of Boise, Idaho, was appointed as a member of the Idaho Industrial Commission to serve a term commencing March 13, 2009, and expiring January 13, 2015.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*  
/s/ C.L. "Butch" Otter  
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the Commerce and Human Resources Committee.

Senator Lodge was recorded present at this order of business.

The Senate advanced to the Ninth Order of Business.

### Messages from the House

March 4, 2009

Dear Mr. President:

I transmit herewith [H 55](#) and [H 193](#), which have passed the House.

ALEXANDER, Chief Clerk

[H 55](#) and [H 193](#) were filed for first reading.

March 5, 2009

Dear Mr. President:

I return herewith [S 1052](#), which has passed the House.

ALEXANDER, Chief Clerk

[S 1052](#) was referred to the Judiciary and Rules Committee for enrolling.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

### Introduction, First Reading, and Reference of Bills, House Petitions, Resolutions, and Memorials

Senator Pearce was recorded present at this order of business.

**S 1136**  
**BY JUDICIARY AND RULES COMMITTEE**  
 AN ACT

RELATING TO SAFETY RESTRAINTS; AMENDING SECTION 49-315, IDAHO CODE, TO PROVIDE FOR NOTATIONS OF CERTAIN SAFETY RESTRAINT EXEMPTIONS ON DRIVER'S LICENSES; AMENDING SECTION 49-673, IDAHO CODE, TO REVISE PROVISIONS RELATING TO CERTAIN SAFETY RESTRAINT EXEMPTIONS; AND AMENDING SECTION 49-2444, IDAHO CODE, TO PROVIDE FOR NOTATIONS OF CERTAIN SAFETY RESTRAINT EXEMPTIONS ON IDENTIFICATION CARDS AND TO PROVIDE A CORRECT CODE REFERENCE.

**S 1137**  
**BY JUDICIARY AND RULES COMMITTEE**  
 AN ACT

RELATING TO THE SAFE BOATING ACT; AMENDING SECTION 67-7038, IDAHO CODE, TO PROVIDE THAT IT SHALL NOT BE A VIOLATION TO OPERATE A MOTORBOAT EQUIPPED WITH DEVICES PROVIDED BY THE MANUFACTURER AS STOCK EQUIPMENT THAT ARE NOT USED TO EXCEED CERTAIN NOISE LEVELS.

**S 1138**  
**BY JUDICIARY AND RULES COMMITTEE**  
 AN ACT

RELATING TO LOW-INCOME PROPERTIES; PROVIDING LEGISLATIVE INTENT; AMENDING CHAPTER 2, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-205A, IDAHO CODE, TO PROVIDE FOR MARKET VALUE FOR ASSESSMENT PURPOSES OF SECTION 42 LOW-INCOME PROPERTIES AND TO PROVIDE PROCEDURES; DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

**S 1139**  
**BY JUDICIARY AND RULES COMMITTEE**  
 AN ACT

RELATING TO LOCAL LAND USE PLANNING; REPEALING SECTION 67-6514, IDAHO CODE, RELATING TO EXISTING ZONING OR SUBDIVISION ORDINANCES; AND AMENDING CHAPTER 65, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-6514, IDAHO CODE, TO PROVIDE FOR THE EFFECT ON ZONING WHEN PART OF A PARCEL IS TAKEN OR PURCHASED FOR RIGHT-OF-WAY.

**S 1140**  
**BY JUDICIARY AND RULES COMMITTEE**  
 AN ACT

RELATING TO EXEMPTIONS FROM ATTACHMENT; AMENDING SECTION 11-605, IDAHO CODE, TO PROVIDE ADDITIONAL EXEMPTIONS AND VALUE OF CERTAIN PERSONAL PROPERTY FROM ATTACHMENT; AND DECLARING AN EMERGENCY.

[S 1136](#), [S 1137](#), [S 1138](#), [S 1139](#), and [S 1140](#) were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

[H 55](#), by Health and Welfare Committee, was introduced, read the first time at length, and referred to the Health and Welfare Committee.

[H 193](#), by Education Committee, was introduced, read the first time at length, and referred to the Education Committee.

Senator Keough was recorded present at this order of business.

The Senate advanced to the Twelfth Order of Business.

**Second Reading of Bills**

[H 40](#), by Business Committee, was read the second time at length and filed for third reading.

[S 1126](#), by State Affairs Committee, was read the second time at length and filed for third reading.

[S 1122](#) and [S 1135](#), by Judiciary and Rules Committee, were read the second time at length and filed for third reading.

[H 79](#), as amended in the Senate, by Education Committee, was read the second time at length and filed for third reading.

[H 132](#), as amended in the Senate, by Transportation and Defense Committee, was read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

**Third Reading of Bills**

Senators Cameron and Corder were recorded present at this order of business.

[S 1119](#), having been held, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McKenzie arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Bock, Broadsword, Cameron, Coiner, Darrington, Davis, Goedde, Hammond, Kelly, Keough, LeFavour, McGee, McKenzie, Sagness (Malepeai), Stegner, Thorson (Stennett), Werk. Total - 17.

NAYS—Andreason, Bair, Bilyeu, Brackett, Corder, Fulcher, Geddes, Heinrich, Hill, Jorgenson, Lodge, McKague, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Winder. Total - 18.

Total - 35.

Whereupon the President declared that [S 1119](#) had failed to pass the Senate and ordered the bill filed in the office of the Secretary of the Senate.

[S 1098](#), as amended, having been held, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McGee arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Jorgenson, Kelly,

Keough, LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Sagness (Malepeai), Schroeder, Smyser, Stegner, Thorson (Stennett), Werk, Winder. Total - 32.

NAYS—Corder, Siddoway. Total - 2.

Absent and excused—Hill. Total - 1.

Total - 35.

Whereupon the President declared [S 1098](#), as amended, passed, title was approved, and the bill ordered transmitted to the House.

[S 1071](#), as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Brackett arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Kelly, Keough, LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Sagness (Malepeai), Schroeder, Siddoway, Smyser, Stegner, Thorson (Stennett), Werk, Winder. Total - 32.

NAYS—None.

Absent and excused—Andreason, Hill, Jorgenson. Total - 3.

Total - 35.

Whereupon the President declared [S 1071](#), as amended, passed, title was approved, and the bill ordered transmitted to the House.

On motion by Senator Davis, granted by unanimous consent, [S 1135](#) was referred to the Commerce and Human Resources Committee.

On request by Senator Davis, granted by unanimous consent, all Senate bills were placed at the head of the Third Reading Calendar, followed by House bills amended in the Senate, followed by House bills.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

#### **Miscellaneous Business**

On motion by Senator Davis, seconded by Senator Kelly, by voice vote, the Senate adjourned at 11:35 a.m. until the hour of 11:30 a.m., Friday, March 6, 2009.

BRAD LITTLE, President

Attest: JEANNINE WOOD, Secretary